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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

12 CHRIS MICHAELS, individually; DEAN
13 BORISLAV KOLEV, individually; and
14 CHRISTINE LE, individually,

15 Plaintiffs,

16 v.

17 DMITRY PUSTYLNIKOV, individually;
KNIGHT TRANSPORTATION, INC. a
18 Foreign Corporation; DOES I through XX,
inclusive; and ROE CORPORATIONS I
19 through XX, inclusive,

20 Defendants.

Case No. 2:21-cv-

**DEFENDANT KNIGHT
TRANSPORTATION, INC.'S PETITION
FOR REMOVAL**

The Hon. TBD

Trial Date: None Set

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COME NOW, Petitioner/Defendant KNIGHT TRANSPORTATION, INC. ("Defendant"), by and through their attorneys, the law firm of WOOD, SMITH, HENNING & BERMAN, LLP, and hereby remove the above-captioned action currently pending in the District Court of Clark County, Nevada to the United States District Court for the District of Nevada.

I.

BACKGROUND

1. On or about January 26, 2021, Plaintiffs filed a Complaint in the District Court of Clark County, Nevada (hereinafter the "State Court Action"). The State Court Action was assigned Docket No. A-21-828456-C.¹

2. On or about March 5, 2021, Defendant Knight Transportation, Inc. Registered Agent accepted service of the Plaintiffs' Complaint in the State Court Action.² This removal is therefore timely because Defendants are removing the State Court Action within thirty (30) days after the March 5, 2021 acceptance of service of process by Defendant Knight Transportation, Inc. 28 U.S.C. §1446(b).

3. Knight Transportation and Dmitry Pustyl'nikov are named as a Defendants in the Complaint. The Complaint purports to assert causes of action sounding in (1) Negligence; (2) Negligence/Respondeat Super; and (3) Negligent Hiring, Training, Retention and Supervision.³

4. In the Complaint, Plaintiffs allege injuries as a result of a motor vehicle accident that occurred on or about February 4, 2019.⁴

5. Plaintiffs seek medical damages; general damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00); special damages in an amount to be proven at time of trial; Damages related to the lost wages and/or future loss earning capacity; damages related to loss of household

¹ **Exhibit "A"**: Plaintiffs' Complaint.

² **Exhibit "B"**: Service of Process Transmittal stamped March 5, 2021.

³ See Exhibit "A", generally.

⁴ Id. at p. 4.

1 services, reasonable attorneys' fees and costs incurred herein; prejudgment interest; and for such
 2 other and further relief that the court may deem just and proper.⁵

3 6. Pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a), this Petition for Removal is
 4 being filed in the United States District Court for the District of Nevada, which is part of the "district
 5 and division" embracing the place where this action was filed – Clark County, Nevada.

6 7. Pursuant to 28 U.S.C. §1446(d), a Notice of Removal to All Adverse Parties will be
 7 promptly served upon Plaintiffs' Counsel and filed with the Clerk of the District Court of Clark
 8 County, Nevada.⁶

9 II.

10 STATUTORY REQUIREMENTS: 28 U.S.C. §1332

11 8. Diversity. This Court has diversity jurisdiction of this action pursuant to 28 U.S.C.
 12 §1332.

13 9. Plaintiffs allege in their Complaint that they are residents of Clark County, State of
 14 Nevada.⁷

15 10. Defendant Knight Transportation, Inc. is an Arizona corporation.

16 11. Defendant Dmitry Pustynnikov is a resident of Florida.

17 12. Diversity, therefore, exists because Plaintiffs are citizens of Nevada and Defendants
 18 are citizens of Arizona and Florida.

19 13. Amount in Controversy. Plaintiffs seek judgment against Defendants for medical
 20 damages; general damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00); special
 21 damages in an amount to be proven at time of trial; Damages related to the lost wages and/or future
 22 loss earning capacity; damages related to loss of household services, reasonable attorneys' fees and
 23 costs incurred herein; prejudgment interest; and for such other and further relief that the court may
 24

25 ⁵ Id. at p. 8-9.

26 ⁶ **Exhibit "C"**: Notice of Filing Petition for Removal to be filed concurrently with this Petition.

27 ⁷ See Exhibit "A" at p. 2.

1 deem just and proper.⁸ Plaintiffs have not provided a break down of past medical specials for each
 2 of the three Plaintiffs at this time. However, Plaintiffs' counsel did advise that Plaintiff Mr. Kolev
 3 has allegedly obtained a recommendation for lumbar spine surgery with Dr. Bady.

4 14. Therefore, this Court has jurisdiction of this action pursuant to 28 U.S.C. §1332 since
 5 the alleged amount in controversy is in excess of \$75,000.00.

6 III.

7 CONCLUSION

8 Based on the forgoing, Petitioner/Defendant respectfully request this action be removed to
 9 this Court, that all further proceedings in the State Court be stayed, and that Petitioner/Defendant
 10 obtain all additional relief to which they are entitled.

11 DATED: March 24, 2021

WOOD, SMITH, HENNING & BERMAN LLP

12 By: /s/ Analise Tilton

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 19 Knight Transportation, Inc.

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⁸ Id. at p. 8-9.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2021, a true and correct copy of **DEFENDANTS' PETITION FOR REMOVAL** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Johana Whitbeck
Johana Whitbeck, an Employee of
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